

HON'BLE SRI JUSITCE GODA RAGHURAM

WRIT PETITON No.8886 of 2006

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Dated 9-10-2006

Between:

Illuri Ramanamma, Bitragunta village, Prakasam
District.

.....Petitioners

and

The Commissioner of Police, Vijayawada and others.

.....Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.8886 of 2006

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ORDER:

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Petitioner alleges that the respondents 1 and 2 are not registering a case and initiating proper criminal action against the respondents 3 and 4 in respect of her complaint dated 29-12-2005.

The 1st respondent has filed a counter affidavit. To the extent relevant and material it is pleaded in the counter affidavit that Crime No.384 of 2005 was registered under Sections 452 and 384 IPC against four individuals on the basis of the report given by one S.Koteswara Rao, Campus In-charge, of the 3rd respondent.

The 2nd respondent investigated into the crime and arrested four accused who were produced before the learned I Additional Chief Metropolitan Magistrate, were remanded to the judicial custody and thereafter, enlarged

on bail. It is pending trial in C.C.No.447 of 2006 on the file of the I Additional Chief Metropolitan Magistrate, Vijayawada. During the course of investigation of the case in Crime No.384 of 2005, the answering respondents states, it came to light that the case in Crime No.76 of 2005 was registered on 21-12-2005 under Section 174 Cr.P.C., by Tulluru Police Station, Guntur District pertaining to the death of the petitioner's son.

The first respondent further states as under:-

"The present Writ Petition is only filed with an intention to harass the Police. I submit that no report was lodged before the 2nd respondent on 28-12-2005 as alleged. A case in Cr.No.76 of 2005 of Tulluru Police was registered and same is pending investigation, which pertains to the suspicious death of the son of the writ petitioner. There is no need to register two crimes for a single offence and that the Vijayawada Police never refused to register any crime on the basis of the report lodged by the Writ Petitioner and the claim of the petitioner that the petitioner gave a complaint to the 2nd respondent on 28-12-2005 is false. The telegram given by the petitioner on 30-12-2005 is only a counterblast to the case in Cr.No.384/2005, which was registered on 29.12.2005 due to the extortion bid on the 3rd Respondent, following the death of the Petitioners son in Tulluru P.S., of Guntur District.

I further submit that during the course of investigation in Cr.No.384/2005 it came to light that a case in Cr.No.76 of/2005 was registered on 21.12.2005 on the file of the Tulluru Police Station, Guntur District with regards to the death of the Petitioners son. The

investigation in CrI.No.76/2005 is still pending. Hence, the question of registering another crime with regards to the death of the son of the petitioner does not arise. I further submit that no report was lodged by the petitioner with the 2nd respondent. On 28.12.2005 as alleged in the affidavit filed in support of this writ petition. I further submit that so far 5 witnesses were examined in Cr.76/2005. Hence it is prayed that the Hon'ble court may be pleased to dismiss the writ petition filed by the petitioner in the interests of justice and to impose exemplary costs on the petitioner for abusing the process of this Hon'ble Court."

In the light of the averments in the counter affidavit, which have not been denied by the petitioner, the writ petition is devoid of merits and is accordingly dismissed.

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9th October 2006

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